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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,148	12/15/2003	Naoki Kitagaki	118100	9318
25944	7590	12/03/2007		
OLIFF & BERRIDGE, PLC P.O. BOX 320850 ALEXANDRIA, VA 22320-4850			EXAMINER NGUYEN, LINH THI	
			ART UNIT 2627	PAPER NUMBER
			MAIL DATE 12/03/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/734,148

Applicant(s)

KITAGAKI ET AL.

Examiner

Linh T. Nguyen

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 5-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,7-10,13-17,20-22,24 and 25 is/are rejected.
- 7) ☒ Claim(s) 5, 6, 11, 12, 18, 19, 23 and 26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/09/07 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, and 13-17, 20-22, 24 and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Ushiyama et al (US Patent Number 6842412). In regards to claims 1, 15, and 25, Ushiyama discloses an information-recording method for recording information on an information-recording medium, the information-recording method comprising: moving a light beam at a selected linear velocity relative to the information-

recording medium (Figs. 1 and 2); controlling the light beam to generate a multi-pulse (Fig. 1, element 15) having at least three power levels of a first power level P_h (Fig. 8, top power), a second power level P_1 which is lower than the first power level (Fig. 8, bottom power), and a third power level P_m (Fig. 8, the middle power within the multi-pulse) which is intermediate there between (Fig. 8), the multi-pulse being repeatedly modulated between the first power level P_h and the third power level P_m (Fig. 8), the second power level P_1 being a crystallization level (Fig. 11, write power and erase power is the lowest power); adjusting the third power level P_m in response to the selected linear velocity (Fig. 8, as speed is low the lower power $P_m = P_l$, and as speed increase the multi pulse changes); and recording the information by irradiating the information-recording medium with the controlled light beam including the adjusted third power level to change a state of an irradiated portion of the information-recording medium (Column 7, lines 50-54).

In regards to claim 2, Ushiyama discloses the information-recording method according to claim 1, wherein the third power level P_m is adjusted so that the third power level P_m is increased in proportion to the linear velocity (Fig. 8, as speed increase the erase power increase).

In regards to claims 7 and 8, Ushiyama discloses the information-recording method wherein a pulse width of a leading pulse or a tail pulse of the multi-pulse is adjusted in response to the third power level P_m (Fig. 8).

In regards to claims 9, 10, 16, 17 and 20, Ushiyama discloses the information-recording method wherein a pulse width of a leading pulse or a tail pulse of the multi-pulse is adjusted in response to a ratio P_m/P_h so that the pulse width is increase in proportion to in response to the third power level P_m (Fig. 8).

In regards to claim 14, Ushiyama discloses the information-recording method according to claim 1, wherein the information is recorded with the CAV system, and the selected linear velocity differs depending on a position on the information-recording medium in which the information is recorded (Column 10, lines 21-26).

In regards to claims 21 and 22, Ushiyama discloses the information-recording medium, wherein the management information includes values of the first power level P_H , the second power level P_1 , and the third power level P_m at a plurality of recording speeds respectively (Fig. 8).

In regards to claims 13 and 24, Ushiyama discloses the information-recording method according to claim 1, further comprising reading the selected linear velocity from the information-recording medium before recording the information, wherein the information is recorded with the CLV system (Column 10, lines 11-15).

Allowable Subject Matter

Claims 5, 6, 11, 12, 18, 19, 23 and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In regards to claims 5, 6, 11, 12, 18, 19, 23 and 26, none of references alone or in combination discloses the pulse ratio $(Pm-P1)/(Ph-Pl)$.

Response to Arguments

Applicant's arguments, see page 2, lines 14-25, filed 11/09/07, with respect to the rejection(s) of claim(s) 1 under Kurebayashi have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Ushiyama.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ushiyama and Sunagawa discloses an apparatus to have varieties of linear velocity while recording/reproducing.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linh T. Nguyen whose telephone number is 571-272-5513. The examiner can normally be reached on 8:30am-5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LN
November 27, 2007


WAYNE YOUNG
SUPERVISORY PATENT EXAMINER